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January 10, 2008

BY FACSIMILE: (212) 805-7901

Honorable Harold Baer, Jr.
United States District Judge
United States District Court
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street, Room 2230
New York, New York 10007

HONORABLE HAROLD BAER
U.S. DISTRICT JUDGE
S. D. N.Y.

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
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Re: Nancy Green v. Bristol Myers Squibb Company & Schering Corporation
SDNY Docket No: 07 cv 7423
File No.: 0196-005952

Dear Judge Baer:

We are writing on behalf of all parties as a follow-up to your Honor's endorsement of our January 8, 2008 letter, in which you requested that we suggest how to avoid simultaneous trials for the "new-onset diabetes" group and the "glycemic event" group. The parties have conferred and jointly request that the "new-onset diabetes" group be placed on the Court's January 2009 Trailing Trial Calendar and that the "glycemic event" group be placed on the February 2009 Trailing Trial Calendar. Although the "glycemic event" group would be moved to the February 2009 calendar, the underlying discovery dates would not change and would run parallel to the "new-onset diabetes" group.

Attached, for your consideration, is a "Pretrial Scheduling Orders for Consolidated Cases" for the "new-onset diabetes" group (*Green, Bills, Felton & Owen*) and one for the "glycemic event" group (*Grantham & Bekemeyer*).

The parties will make themselves available at your convenience should you have any questions or comments.

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Thank you for your consideration of our joint request.

Respectfully Submitted,

Matthew J. McCauley
Sedgwick, Detert, Moran & Arnold LLP

MJM/

cc: **By Email and First-Class Mail**
Hagens Berman Sobol Shapiro LLP
Attorneys for Plaintiff
2425 East Camelback Road, Suite 650
Phoenix, AZ 85016

There are first - I have charged
the ~~ET~~ of days because 1) as the
first PTC you estimated all would
take 2 1/2 trials days + thus two trials
should take 1 1/2 or less each.
2) I am not anymore to tie up my
calendar for 2 full months and thus
this 2 1/2 days best start making or
schedules to meet my calendar or
any estimate totalling 2 1/2 days or
thereabouts and moved because the
3) You won't mind to be settled on so
cases we will send you a copy of a
you agree + I believe the ~~ET~~ the ~~ET~~
will be ORDERED:
① It partly our desire + I believe the ~~ET~~
be in Harold Baer, Jr., U.S.D.J.
of trial date ~~1/15/08~~ 1/15/08

Endorsement:

These are fine - I have changed the number of days because

- (1) at the first PTC you estimated all would take 21 trial days and thus two trials should take 11 or less each;
- (2) I am not anxious to tie up my courtroom for 2 full months and thus you, if you believe now that each case takes 21 days best start making schedules to meet my estimate or any estimate totaling 21 days or thereabouts and
- (3) you won't mind because the cases are going to be settled or so you opine.
- (4) If you send me a copy of a fully executed PTSO (or 2) I will be in your debt and if this i.e., the number of trial days raises a problem you may call Chambers.